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Letter dated 11 January 2001 from the Secretary-General to the President of the Security Council

I have the honour to refer to article 13 bis, paragraph 2, of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of Article 13 of the Statute, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Mohamed Bennouna, a national of Morocco, has resigned as a Judge of the International Tribunal, effective 28 February 2001.

The Government of Morocco has presented the candidacy of Mr. Mohamed El Habib Fassi Fihri, a national of Morocco, to replace Judge Bennouna. Please find attached his curriculum vitae.

It is my view that Mr. Fassi Fihri meets the qualifications that are prescribed in article 13 of the Statute of the International Tribunal. I also consider that the appointment of Mr. Fassi Fihri would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13 bis, paragraph 1 (c), of the Statute of the International Tribunal.

I should, therefore, like to proceed to consultation with you on the appointment of Mr. Fassi Fihri, in accordance with article 13 bis, paragraph 2, of the Statute of the International Tribunal. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

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Mohamed El Habib Fassi Fihri (Morocco)

[Original: French]

Mr. Mohamed El Habib Fassi Fihri, a Senior Judge, was born in Essaouira on 12 January 1932.

In January 1957, he was appointed a judge at the Casablanca regional court where he was subsequently appointed Vice-President in August 1960. He was appointed Crown Procurator in 1962.

In September 1964, he was appointed Chief of Staff of the Minister of Justice, then Permanent Secretary of the Ministry.

He was Advocate General at the Supreme Court from late 1971 until 25 September 1976, when he was reappointed Permanent Secretary of the Ministry of Justice, a position he held until 31 March 1982.

In December 1982, he was appointed Ambassador Extraordinary and Plenipotentiary of His Majesty, the King of Morocco, to the Hellenic Republic. At the end of his diplomatic tour of duty, he returned to the Supreme Court in April 1986 as Divisional President.

In June 1990, Mr. Fassi Fihri was appointed Ambassador Extraordinary and Plenipotentiary of His Majesty, the King, to the Republic of Austria and Permanent Representative of the Kingdom of Morocco to the United Nations Office at Vienna, the United Nations Industrial Development Organization (UNIDO) and the International Atomic Energy Agency (IAEA), of which he was a Governor. He was also responsible for monitoring the work of the Organization for Security and Cooperation in Europe (OSCE).

In July 1995, he chaired the work of the Eminent Persons Group established by the Seventh Islamic Summit Conference to take stock of the achievements of the Organization of the Islamic Conference and identify restructuring measures and new objectives.

A founding member of the Association of Moroccan Judges, he was editor of the Association's review from 1961 to 1985.

He is the author of several publications, including a work entitled *Itinéraire de la justice marocaine*.

He was awarded the Order of Civil Merit, then dubbed Chevalier and subsequently Officer of the Order of the Throne.

He was awarded the Grand Cordon of the Order of the Phoenix by Greece and the Grand Cordon of the Order of Merit by the Republic of Austria.